

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

50

2008 FEB -4 P 12: 31

COMMISSIONERS

MIKE GLEASON, CHAIRMAN WILLIAM A. MUNDELL JEFF HATCH-MILLER KRISTIN K. MAYES GARY PIERCE AZ CORP COMMISSION DOCKET CONTROL

Arizona Corporation Commission DOCKETED

FEB - 4 2008

DOCKETED BY M

IN THE MATTER OF THE JOINT)	DOCKET NO. T-03943A-07-0205
APPLICATION OF TIME)	DOCKET NO. T-04112A-07-0205
WARNER TELECOM OF)	DOCKET NO. T-04113A-07-0205
ARIZONA, LLC, XSPEDIUS)	
MANAGEMENT CO. SWITCHED)	
SERVICES, LLC, AND XSPEDIUS)	
MANAGEMENT CO. FOR (1))	COMPLIANCE FILING OF
AUTHORIZATION TO)	TIME WARNER TELECOM
TRANSFER ASSETS; (2))	OF ARIZONA, LLC
CANCEL CC&Ns AND (3) FOR)	
ELIMINATION OF)	
PERFORMANCE BOND)	
)	
)	

Time Warner Telecom of Arizona, LLC ("Time Warner Telecom") hereby files a copy of the attached bond in the amount of \$235,000 as directed by the Commission in paragraph 45(b) of Decision No. 70057. *See* Attachment A. Time Warner Telecom also files the attached copy of the notice sent to customers on September 12, 2007, giving customers 90 days to continue or discontinue service with Time Warner Telecom without prejudice or regard to contractual obligation as required by paragraph 45(c) of Decision No. 70057. *See* Attachment B.

RESPECTFULLY SUBMITTED this 4th day of February 2008.

By (

OSBORN MALEDON, P.A.

2929 North Central Avenue, Suite 2100 Phoenix, Arizona 85012-2794

602-640-9356 (voice)

602-640-6074 (fax)

jsburke@omlaw.com

Attorneys for Time Warner Telecom

Original and 17 copies of the foregoing filed this 4th day of February 2008 with:

Docket Control ARIZONA CORPORATION COMMISSION 1200 West Washington Phoenix, AZ 85007

Attachment A

This bond replaces, supersedes and exonerates International Fidelity Insurance Company Bond no. Travelers Casualty and Surety Company of America Bond no. Travelers Casualty and Surety Company of America Bond no. Travelers Casualty and Surety Company of America Bond no. Travelers Casualty and Surety Company of America Bond no.

Bond for Utility Users

KNOW ALL MEN B	THESE PRESENTS				
ThatTime Warner	Telecom of Arizona,	LLC,	as Principal,	and Platte Ri	ver Insuranc
Company	_, having its executiv	e office in _	PO Box	5900, Madisor	, WI 53705
as Surety, are held a	and firmly bound unto	Arizona	Corporation	Commission	, 1200 W
Washington Street,	Phoenix, AZ 85507	hereinaf	ter referred to	as Obligee in	the penal sun
of Two Hundred Thir	ty Five Thousand and	1 00/100 Do	ollars (\$235,00	00.00) for the	payment o
which, well and tru	ly to be made, we	bind ourse	lves, our heir	rs, executors,	administrator
successors and assi	gns, jointly and sever	ally, firmly b	by these prese	nts.	

THE CONDITIONS OF THIS OBLIGATION ARE THAT: Whereas, the above bounden Principal has contracted with the users of the Principal for the furnishing of telecommunications service.

NOW, THEREFORE, if the said Principal or any assigns shall cease the provision of telecommunications services, as contracted to users in Arizona or a class of users in Arizona prior to contract expiration, without legal justification and without following the prescribed processes for withdrawal from service in Arizona, the said Surety will pay to the users of the Principal who have failed to receive such service with the consent of the <u>Arizona Corporation Commission</u> as Trustee, an amount to compensate such users for such failure not exceeding the aggregate sum herein above specified, otherwise it shall remain in full force and effect.

PROVIDED FURTHER that regardless of the number of years this bond shall continue in force and the number of premiums which shall be payable or paid, the Surety shall not be liable thereunder for a larger amount, in the aggregate, than the amount of the bond.

PROVIDED FURTHER that should the Surety so elect, this bond may be cancelled by the Surety as to subsequent liability giving thirty (30) days notice in writing by certified mail to Obligee.

This bond becomes effective on the 26th day of September, 2007.

Time Warner Telecom of Arizona LLC

Oy: Time Warner Telecom Holding Inc., its to be member

DUPLICATE ORIGINAL BOND NO.

Platte River Insurance Company

Kathleen K. Freund, Attorney-in-Fact

PLATTE RIVER INSURANCE COMPANY POWER OF ATTORNEY



TOWER OF ALTORNET	
KNOW ALL MEN BY THESE PRESENTS, That the PLATTE RIVER INSURANCE COMPANY, a corporation of the State of Nebraska, has principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint	ving its
KATHLEEN K FREUND; MARGARITA HOLGUIN; SHANON S DOM	
its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall examount the sum of	bonds ceed in
ALL WRITTEN INSTRUMENTS IN AN AMOUNT: \$2,500.000.00	·
This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the of Directors of PLATTE RIVER INSURANCE COMPANY at a meeting duly called and held on the 8th day of January, 2002.	: Board
"RESOLVED, that the President, and Vice-President, the Secretary or Treasurer, acting individually or otherwise, be and they hereby are gram power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings and other we obligatory in the nature thereof, one or more vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and usual to such offices to the business of the Corporation; the signature of such officers and the seal of the Corporation may be affixed to such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or fact seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking or other writing obligatory in the thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."	vritings I duties ower of csimile
IN WITNESS WHEREOF, the PLATTE RIVER INSURANCE COMPANY has caused these presents to be signed by its officer undersigned corporate seal to be hereto affixed duly attested, this 1st day of January, 2007.	and its
David F. Pauly Chairman & CEO STATE OF WISCONSIN COUNTY OF DANE Attest: PLATTE RIVER INSURANCE COMPA James J. McIntyre President SEAL ARBHASAL ARBHAS	INY
On the 1st day of January, 2007 before me personally came James J. McIntyre, to me known, who being by me duly sworn, did depose and say: resides in the County of Dane, State of Wisconsin; that he is President of PLATTE RIVER INSURANCE COMPANY, the corporation descr. and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.	ibed in
STATE OF WISCONSIN COUNTY OF DANE STATE OF DANIEL W. Krueger Notary Public, Dane Co., WI My Commission Is Permanent	
I, the undersigned, duly elected to the office stated below, now the incumbent in PLATTE RIVER INSURANCE COMPANY, a Nebraska Corporation make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.	ration of been
Signed and sealed at the City of Middleton, State of Wisconsin this	Û

THIS DOCUMENT IS NOT VALID UNLESS PRINTED ON GREEN SHADED BACKGROUND WITH A RED SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL 800-475-4450.

PR-POA (8-07)

Attachment B



CONNECTING TOUR BUSINESS TO MORE BUSINESS

September 11, 2007

AN IMPORTANT NOTICE REGARDING TELECOMMUNICATIONS SERVICES FROM XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, LLC, XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, LLC SERVICES

Xspedius recently sold its Arizona regulated telecommunications assets to Time Warner Telecom Inc. Time Warner Telecom Inc. is now consolidating all of its Arizona regulated telecommunications assets into Time Warner Telecom of Arizona LLC ("Time Warner Telecom of Arizona"), a subsidiary of Time Warner Telecom Inc. Following this consolidation, Xspedius will no longer provide telecommunications services in Arizona. The transfer of your service to Time Warner Telecom of Arizona will be completely transparent to you and requires no action on your part.

Time Warner Telecom anticipates that the date for the transfer may be as soon as thirty (30) days from the date of this letter (or soon thereafter) when the necessary regulatory approvals are obtained. At that time, Xspedius will no longer be your service provider. Time Warner Telecom is confident that you will be pleased by the products and services available from Time Warner Telecom. Additionally, the Xspedius products and services you receive today will, for the term of your contract, be supplied by Time Warner Telecom. Time Warner Telecom recognizes that you have a choice of telecommunications carriers. Thus, you may choose, within 90 days of receiving this notice, to discontinue service with Time Warner Telecom without penalty. If you choose to discontinue service with Time Warner Telecom of Arizona, you must select a new provider as soon as possible. If you have not notified us that you have arranged with another carrier for service to commence on or before the date Xspedius discontinues its service, you will automatically become a Time Warner Telecom customer. You will not incur any charges for the change to Time Warner Telecom of Arizona.

Please be aware that you are responsible for paying all bills rendered to you by Xspedius during this transition. You may be subject to termination of your service in accordance with the terms of your contract and applicable Commission rules if you fail to pay your telephone bill.

Xspedius remains committed to providing you with excellent service during this period of transition. If you have any questions regarding this notice or your service, please call 1-800-937-7473. You may also direct questions regarding this notice to the Consumer Services Section of the Arizona Corporation Commission Staff at 602-542-4251 or 1-800-222-7000.

Time Warner Telecom of Arizona looks forward to meeting your telecommunications needs including bundled packages of voice and data services, local phone service, Internet access, and managed networking solutions.